IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.14888-M of 2007
Date of Decision:- 29.05.2007

Dilshad ....Petitioner(s)

through
Mr.A.S.Trikha, Advocate

vs.

State of Haryana & ors. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1)Whether Reporters of the local papers may be allowed to see the judgment?
2)To be referred to the Reporters or not?
3)Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The petitioner who is a life convict under Section 302 IPC and is resident of Uttar Pradesh, has been denied release on parole on the ground that he does not enjoy good reputation and that if he is released on parole, there is an apprehension of breach of peace.

There is no denial to the fact that the petitioner is in custody since the year 2003 and has not been released on parole so far. It is not the case of the respondents that the behaviour of the petitioner while in jail has not been satisfactory. Similarly, in the written statement which has been filed in Court and is taken on record, there is no allegation that the petitioner is involved in more than one cases.

If that is so, it appears that the formation of opinion by the Authorities that the petitioner is a man of bad reputation, is based upon the solitary offence attributed to him.

In this view of the matter, there can be no other conclusion but to hold that the petitioner's case requires re-consideration. Consequently, this petition is allowed; the impugned order dated 9.2.2007 (Annexure P-1) is set aside and the respondents are directed to get the facts re-verified in the light of the observations made hereinabove and pass an appropriate order within a period of two months from the date of receipt of certified copy of this order.

May 29, 2007 **(SURYA KANT)**
poonam **JUDGE**